

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMAL A. HARRIS,

Plaintiff,

v.

JOHN E. FRANKE, KIMBERLY DUNN, and
DAVID EBRAHIM,

Defendants.

Case No. 22-cv-284-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the suggestion of the death of plaintiff Jamal A. Harris on August 19, 2023, filed September 15, 2023, by the plaintiff's counsel (Doc. 55). No party has moved to substitute a proper party pursuant to Federal Rule of Civil Procedure 25(a)(1) within the 90 days following service of the suggestion of death or within the additional 120 days allowed by the Court (Doc. 59). With the 120-day extension, the deadline for the motion to substitute became April 12, 2024. The Court warned the parties that if no motion to substitute was timely filed, any and all claims by or against the deceased would be dismissed. No motion to substitute was timely filed. Therefore, pursuant to Rule 25(a)(1), the Court **DISMISSES** this case **with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

Alternatively, the Court considers the defendants' motion to dismiss for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) (Doc. 60) based on the aforementioned failure to substitute an appropriate party for the decedent plaintiff such that the prosecution of this case can continue. Not surprisingly, there has been no response to the motion within the 30-day response period. *See* SDIL-LR 7.1(b)(1)(A). There being no party properly substituted to prosecute this litigation, the Court **GRANTS** the motion to dismiss (Doc. 60) and

DISMISSES this case for lack of prosecution pursuant to Rule 41(b) and the Court's inherent authority to manage its docket, *see In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995).

IT IS SO ORDERED.

DATED: May 23, 2024

s/ J. Phil Gilbert

J. PHIL GILBERT
DISTRICT JUDGE